

MEMORANDUM

DECEMBER 1, 1982

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT J. RYAN, DIRECTOR

SUBJECT: AMENDMENT TO ZONING CODE: PLANNED DEVELOPMENT
AREA REGULATIONS

On September 30, 1982, the Authority authorized the Advisor to the Zoning Commission to petition the Commission for an amendment to the Boston Zoning Code which would add to the present Planned Development Area (P.D.A.) regulations a provision that the developer of five or more acres of land could seek approval of the Authority of a generalized Master Plan stating the development concept, planning objectives and characteristics of the proposed development. On approval by the Authority, the Zoning Commission could designate the property as a P.D.A. on the zoning maps, but its approval would not be required for the more specific Development Plans if such plans conformed to the Master Plan. There were also provisions relating to major and minor amendments to Master Plans and Development Plans.

At the Zoning Commission hearing on October 29, 1982, there was strongly voiced opposition to some features of the amendment and it was rejected by the Commission. The attached petition is intended to meet those objections as follows:

1. Land zoned for residential use would not be eligible for the Master Plan procedure.
2. The Zoning Commission as well as the Authority would be required to approve, after public hearing, a Development Plan or Plans submitted as follow-up to a Master Plan.
3. The language relating to major and minor amendments has been deleted. The effect of this is that amendments to Master or Development Plans must be amended in the same manner in which they were adopted, i.e., by the Authority and the Commission, after public hearings.

These limitations reduce somewhat the usefulness of the proposal for a Master Plan approach, but they appear to be necessary to gain Zoning Commission approval. I recommend that the Advisor to the Zoning Commission be authorized to petition the Commission for an amendment to the Zoning Code in substantial accord with the attached draft petition.

VOTED: That the Boston Redevelopment Authority hereby authorizes the Advisor to the Zoning Commission to petition said Commission for Text Amendment Application No. 92, which is a revision of Text Amendment Application No. 91 rejected by the Commission on October 29, 1982. Said revision continues to provide for

an optional Master Plan phase of the Planned Development Area procedures, but makes land zoned for residential uses ineligible for the Master Plan approach. It further drops language related to major and minor amendments to Master Plans or Development Plans and provides that a Development Plan that conforms with an approved Master Plan must be approved by the Zoning Commission after notice and hearing, as well as by the Boston Redevelopment Authority. The Authority recommends that the Zoning Commission adopt Text Amendment Application No. 91.

Additions and changes from the existing text are indicated by a single underline.

Text Amendment Application No. 92
Advisor to the Zoning Commission
Amendment to Planned Development
Area Regulations

TO THE ZONING COMMISSION
OF THE CITY OF BOSTON:

The Advisor to the Zoning Commission hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows:

1. By striking out the paragraph in Section 3-1A headed Planned Development Areas and inserting in place thereof the following paragraphs:

Planned Development Areas. The whole or any part of a subdistrict may be established as a planned development area if such area contains not less than one acre and the commission has received from the Boston Redevelopment Authority, and has approved, a development plan or, if the area contains not less than five acres and is not located in a residential zoning district, a master plan for the development of the planned development area. Before transmittal to the commission, such development plan or master plan shall have been approved by said Authority after a public hearing, provided, however, that no development plan or master plan shall be approved by said

Authority unless said Authority finds that such plan conforms to the general plan for the City as a whole and that nothing in such plan will be injurious to the neighborhood or otherwise detrimental to the public welfare. A development plan shall set forth the proposed location and appearance of structures, open spaces and landscaping, proposed uses of the area, densities, proposed traffic circulation, parking and loading facilities, access to public transportation, proposed dimensions of structures, and may include proposed building elevations, schematic layout drawings and exterior building materials, and such other matters as said Authority deems appropriate to its consideration of the proposed development of the area.

If the area contains not less than 5 acres and is not located in a residential zoning district, a master plan may be submitted setting forth only a statement of the development concept, including the planning objectives and character of the development, the proposed uses of the area, the range of dimensional requirements contemplated for each of the proposed uses, the proposed phasing of construction of the development and such of the other items set forth above as said Authority may request in order to make its required finding. No work shall proceed in any planned development area established by the commission on the basis of an approved master plan until a

development plan for the area, or portion thereof in which work is to proceed, conforming to the foregoing requirements has been approved by the Authority and the commission, in each case after a public hearing.

To insure that no work proceeds other than in accordance with an approved development plan, no structure shall be erected, reconstructed, or structurally changed or extended in a planned development area, whether or not a master plan has been approved for such area, unless all drawings and specifications therefor shall have been subjected to design review and approved by said Authority. The Building Commissioner shall not issue any building or use permit with respect to any building, structure, or land within a planned development area unless the Director of said Authority has certified on the application therefor and on each and every plan filed with the Building Commissioner in connection therewith that the same is consistent with the development plan for such planned development area or the portion thereof to which such permit relates. Except as otherwise provided in Article 6A, planned development areas shall be subject to all the provisions of this code applicable to the subdistrict in which the area is located.

2. By striking out Section 6A-1 and inserting in place thereof the following section:

SECTION 6A-1. Authorization for Exceptions in Planned Development and Urban Renewal Areas. As provided for in Section 10 of Chapter 665 of the Acts of 1956, as now in force or hereafter amended, and subject to the provisions of Sections 6A-2, 6A-3 and 6A-4, the Board of Appeal may, in a specific case after public notice and hearing, allow an exception from the provisions of this code. Such exception shall lapse and become null and void unless (a) such exception is used within two years after the record of said Board's proceedings pertaining thereto is filed with the Building Commissioner pursuant to Section 8 of said Chapter 665, or (b) such exception relates to work in a planned development area of not less than 5 acres, or to the use thereof, and within such two year period the Boston Redevelopment Authority files with the Board a certificate that work within said planned development area has been commenced and is diligently proceeding in which case such exception shall not lapse unless thereafter said Authority files with the Board a certificate that such work is not diligently proceeding.

Petitioner: Advisor to the Zoning Commission
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Date: _____